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*Attorneys for Defendant*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro No. 10-04749 (SMB)

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC,

Plaintiff,

v.

PHILIP F. PALMEDO,

Defendant.

**DECLARATION OF HELEN DAVIS CHAITMAN IN OPPOSITION TO THE  
TRUSTEE'S MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF  
DEFENDANT'S CROSS-MOTION FOR SUMMARY JUDGMENT DISMISSING THE  
COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION**

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I am a member of Chaitman LLP, counsel to Philip Palmedo ("Defendant"). I am a member of the bars of New York and New Jersey, and I am admitted to practice in this Court.

2. I submit this declaration in support of Defendant's opposition to the motion of the Plaintiff, Irving H. Picard (the "Trustee"), the Trustee for the Liquidation of Bernard L. Madoff Investment Securities, LLC (the "LLC"), for summary judgment in the above-referenced proceeding, pursuant to Local Rule 56.1, and in support of Defendant's cross-motion for summary judgment dismissing the Complaint for lack of subject matter jurisdiction.

3. Attached hereto as **Exhibit A** is a true and accurate copy of relevant pages from a Trial Transcript in *Picard v. Carol & Stanley Nelson*, ("Nelson"), Adv. Pro. Nos. 10-04377 and 10-04658 dated May 8, 2019.

4. Attached hereto as **Exhibit B** is a true and accurate copy of February 7 and 9, 1979 documents confirming a credit to Gunther and Margaret Unflat from "Bernard L. Madoff Investment Securities." [Bates No. 10-5420\_Defendant\_0002412-13].

5. Attached hereto as **Exhibit C** is a true and accurate copy of an extract of an JPMorgan Chase Bank, N.A. ("JPMC") statement dated November 29-December 31, 2008 for an account ending in 703 ("703 Account"). [Bates No. JPMSAB0004065-4090].

6. Attached hereto as **Exhibit D** is a true and accurate copy of Amendment to SEC Form BD for Bernard L. Madoff Investment Securities dated January 12, 2001.

7. Attached hereto as **Exhibit E** is a compilation of letters from Madoff and the LLC to the Bank of New York, the National Securities Clearing Corporation, the Options Clearing Corporation and the Depository Trust Company. [Bates Nos. MESTABL00005744; MADTEE00544438; MADTEE00544725; MESTABL00005745].

8. Attached hereto as **Exhibit F** is a true and accurate copy of an email dated June 12, 2018 from Maximillian Shifrin, at Baker Hostetler, LLP to me.

9. Attached hereto as **Exhibit G** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated April 26, 2017.

10. Attached hereto as **Exhibit H** is a true and accurate copy of a letter dated January 24, 2011 from Stephen P. Harbeck at SIPC to Scott Garrett at The U.S. House of Representatives.

11. Attached hereto as **Exhibit I** is a true and accurate copy of a JPMC statement dated December 1 through December 31, 2001 for the 703 Account. [Bates No. JPMSAB0000001-48].

12. Attached hereto as **Exhibit J** is a true and accurate copy of a compilation of JPMC Statements for an account ending in 509 (the “509 Account”).

13. Attached hereto as **Exhibit K** is a true and accurate copy of a compilation of JPMC Statements for the 703 Account.

14. Attached hereto as **Exhibit L** is a true and accurate copy of a statement from JPMC dated August 1-August 30, 2002 for the 703 Account. [Bates No. JPMSAB0000100-151].

15. Attached hereto as **Exhibit M** is a true and accurate copy of a statement from JPMC dated August 31 through September 30, 2002 for the 703 Account. [Bates No. JPMSAB0000624-672].

16. Attached hereto as **Exhibit N** is a true and accurate copy of a check dated July 16, 2008 paid to “Bernard L. Madoff Securities” and endorsed by Bernard L. Madoff into the 703 Account. [Bates No. JPMSA10013257].

17. Attached hereto as **Exhibit O** is a true and accurate copy of a check dated December 16, 1995 paid to “Bernard L. Madoff Investment Securities” in the amount of \$50,000. [PALMEDO 000014].

18. Attached hereto as **Exhibit P** is a true and accurate copy of a statement from JPMC dated December 1 through December 31, 1998 for the 509 Account. [Bates No. MADWAA00378495-98].

19. Attached hereto as **Exhibit Q** is a true and accurate copy of relevant pages from a Trial Transcript in *Picard v. Carol & Stanley Nelson*, Adv. Pro. Nos. 10-04377 and 10-04658 dated May 9, 2019.

20. Attached hereto as **Exhibit R** is a true and accurate copy of a compilation of checks from JPMC for the period April 27, 2000 through May 22, 2008 from the 509 Account evidencing withdrawals from Bernard L. Madoff to Defendant.

21. Attached hereto as **Exhibit S** is a true and accurate copy of the July 17, 1991 letterhead of Bernard L. Madoff Investment Securities. [Bates No. MADTSS01301365-01301371].

22. Attached hereto as **Exhibit T** is a true and accurate copy of a Portfolio Management Statement from Bernard L. Madoff Investment Securities for the period January 4, 1993 through December 31, 1993 for the Palmedo Account, 1CM142. [Bates No. PALMEDO 000034].

23. Attached hereto as **Exhibit U** is a true and accurate copy of a Portfolio Management Statement from Cohmad Securities Corporation (“Cohmad”) dated January 19, 1993 for the period July 1, 1991 through December 31, 1992 for the Palmedo Account, 1C0019. [Bates No. PALMEDO 000015].

24. Attached hereto as **Exhibit V** is a true and accurate copy of relevant pages from an Account Agreement and letters dated June 18 and 19, 1991 between Maurice J. Cohn and Philip F. Palmedo. [Bates No. PALMEDO000020-22].

25. Attached hereto as **Exhibit W** is a true and accurate copy of a letter dated December 9, 1991 from Maurice J. Cohn to Philip F. Palmedo. [Bates No. PALMEDO000016].

26. Attached hereto as **Exhibit X** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated December 20, 2016

27. Attached hereto as **Exhibit Y** is a true and accurate copy of a compilation of statements from Bear Stearns and from JPMC. [Bates Nos. BSTSAC0000364-371; BSTSAC0000325-332; BSTSAC0000306-312; JPMDAB0004257-4311].

28. Attached hereto as **Exhibit Z** is a true and accurate copy of relevant pages from a transcript of the deposition of Joann Crupi in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated May 23, 2019.

29. Attached hereto as **Exhibit AA** is a true and accurate copy of relevant pages from a trial transcript of the testimony of Frank DiPascali, Jr. in *United States v. Bonventre, et al.*, 10-CR-228 dated December 10, 2013.

30. Attached hereto as **Exhibit AB** is a true and accurate copy of the Government's Exhibit 105-c171 from a trial transcript of the testimony of Frank DiPascali, Jr. in *United States v. Bonventre, et al.*, 10-CR-228 dated December 5 and 10, 2013 and January 13, 2014.

31. Attached hereto as **Exhibit AC** is a chart of T-Bills owned by the Madoff account 1CM142 with its attachments.

32. Attached hereto as **Exhibit AD** is a true and accurate copy of the December 2007 customer statements for accounts relating to Lisa B. Nissenbaum, Doron Tavlin, Boyer Palmer and Harry Smith.

33. Attached hereto as **Exhibit AE** is a true and accurate copy of a Customer Account Statement dated November 30, 2006. [Bates No. MDPTPP00816154-158].

34. Attached hereto as **Exhibit AF** is a true and accurate copy of the Declaration of Steven Albanese, C.P.A. dated May 22, 2017. [Bates No. PALMEDO-ALBANESE 000000-80].

35. Attached hereto as **Exhibit AG** is a copy of the Form ADV Uniform Application for Investment Adviser Registration for Bernard L. Madoff Investment Securities dated August 25, 2006. [Bates No. PUBLIC0003729-762].

36. Attached hereto as **Exhibit AH** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated June 15, 2016

37. Attached hereto as **Exhibit AI** is a true and accurate copy of relevant pages from a Plea Allocution transcript of the testimony of Bernard L. Madoff in *United States v. Bernard L. Madoff*, 09-CR-213 dated March 12, 2009.

38. Attached hereto as **Exhibit AJ** is a true and accurate copy of relevant pages from a Plea Allocution transcript of the testimony of Enrica Cotellessa-Pitz in *United States v. Bonventre, et al.*, 10-CR-228 dated December 19, 2011.

Dated: October 2, 2020  
New York, New York

**CHAITMAN LLP**  
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